

REMARKS

Various minor errors in the specification and claims have been corrected.

It is respectfully submitted that claims 1 to 3 and 7 are not anticipated by Simpson as suggested by the examiner.

Claim 1 is directed to a harness for horse racing having a back-engaging tree 20 with an arched body 23 shaped to fit across a horse's back, a pair of laterally-spaced fork members 24 projecting downwardly from opposite sides of the arched body so as to extend downwardly on opposite sides of the horse's body when in use, and a pair of laterally-spaced independently resiliently deflectable spring members 26 extending rearwardly from the arched body 23 and shaped to conform with the shape of a horse's back. Claim 1 also calls for a girth strap assembly 34 attached to the back-engaging tree 10, the girth strap assembly 34 having shaft attachments 40 on opposite sides thereof below the back-engaging tree 20 for attaching the shafts of a sulky thereto.

As is clearly apparent from Fig.2 of Simpson, there is no disclosure in Simpson of applicant's pair of laterally-spaced independently resiliently deflectable spring members 26 extending rearwardly from the arched body of the back-engaging tree. Simpson discloses a saddle A A' which consists of a front and a rear portion, each fitting the back of the horse properly, these two parts being united by flexible side or connecting pieces, see Column 1 Lines 34 to 37.

It will also be noted that the Simpson structure has two girths, namely a front girth C and a rear girth D. This is in contrast to applicant's structure which only utilizes a front girth assembly 34. Further, the Simpson structure utilizes a crupper R with an aperture at its rear end through which the tail of the horse passes. This is not required with applicant's structure, see paragraph [0019] of the present application. A crupper restricts the freedom of movement of the horse.

Applicant's independently resiliently deflectable spring members 26 provide much more comfort and freedom of stride to a horse than the Simpson structure. The examiner will note that not only does Simpson not disclose applicant's harness as defined in Claim 1 but further does not suggest such a harness.

It is therefore respectfully submitted that claims 1 to 3 and 7 are clearly allowable. The examiner's indication of allowability of dependant claims 4 to 6 and 8 has been noted.

Favourable reconsideration and allowance of this application are therefore requested.

Respectfully submitted,

BERNARD GIRAULT

By: 

GOWLING LAFLEUR HENDERSON LLP
Robert F. Delbridge
RFD:gm

DESCRIPTION OF PREFERRED EMBODIMENT

[0014] Referring first to Figs.1 to 6 of the drawings, a harness 12 in accordance with one embodiment of the invention and suitable for trotting is mounted on a horse 14 and connected to a sulky 16 with a driver 18. A harness 12 has a back-engaging tree 20 (see especially Figs.4 and 5) housed in a casing 22 of canvas-like material and located on the horse's back.